

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Service – Treasuries and Accounts Department – Vizianagaram District-Departmental proceedings against Sri Ch.V.Ramana Rao, ATO (Retd.) – Punishment of withholding of 50% of pension imposed - Implementation of Hon'ble APAT Orders dated 18-04-2008 in O.A.No.4455/2003 – Orders – Issued.

FINANCE (ADMN.I.VIG) DEPARTMENT

G.O.Rt.No. 4001

Dated: 07-11-2009

Read the following:-

1. G.O.Rt.No.1129 Finance (Admn.I) Department dated 4-4-2003.
2. APAT Order dt. 8-4-2008 in O.A.No.4455/2003 filed by Ch.V.Ramana Rao, ATO (Retd.)
3. The Hon'ble A.P. High Court Order dt. 3-11-2008 in W.P.No.23820/08 filed the Director of Treasuries and Accounts, A.P., Hyderabad.
4. Hon'ble Supreme Court of India Order dt. 19-10-2009 in SLP (Civil) No.16447/2009.

In the reference 1st read above, orders were issued imposing a punishment of withholding of 50% of pension permanently on Sri Ch.V.Ramana Rao, formerly ATO in a case of irregularities in promotion of certain employees in contravention of Government instructions under Rule 9 of APRP Rules, 1980

2. Aggrieved with the above orders, Sri Ch.V.Ramana Rao ATO (Retd.) has filed O.A.No.4455/2003 before APAT. The Hon'ble APAT in its order dated 8/4/2008, in O.A.No.4455/2003 has set aside the impugned order and directed that the applicant shall be paid full pension with all retirement benefits, if not paid already within 8 weeks from the date of receipt of the order.
3. Government, after careful examination of the above orders of the Hon'ble APAT, has directed the DTA to file a Writ Petition in the High Court of AP against the order of A.P. Administrative Tribunal dated 8/4/2008 in OA. 4455/2003. Accordingly the Director of Treasuries and Account has filed W.P.No.23820/08 against the Order of APAT dated 8/4/2008 The Hon'ble A.P. High Court in their orders dated 4/7/2008 observed that:

- “The material on record goes to show that actually STO, DTO, Senior Accountant and the applicant were involved in the present issue. Out of four persons, three of them were exonerated on one or other grounds. Leaving the other persons, the implication of the applicant alone in the present issue amounts to discrimination as rightly observed by the Tribunal.
- The enquiry report clearly goes to show that it was does only at the instance and dictation of the DTO. Under these circumstances, we feel that the findings of the Enquiry Officer and its consequential impugned order are not sustainable, as rightly observed by the Tribunal. In this view of the matter, we feel that the order of the Tribunal does not suffer from any illegality or irregularity warranting interference of this court and the present Writ Petition is devoid of merits and the same is liable to be dismissed.
- Accordingly, the present writ petition is dismissed. No order as to costs. However, time granted by the Tribunal is extended by two more weeks from today”.

4. Aggrieved with the above orders of APHC, Government filed a Special Leave Petition (Civil) No.16447/2009 before the Hon'ble Supreme Court of India against the order passed by the Hon'ble High Court dt. 3-11-2008 W.P. No.23820 of 2008. The Hon'ble Supreme Court of India in their Order, dated 19-10-2009 has dismissed the SLP as they do not find any ground to interfere.

5. Government, after careful examination of the matter and in pursuance of the orders of Hon'ble Supreme Court of India, hereby order to implement the orders of Hon'ble A.P. Administrative Tribunal, dated 8/4/2008 in O.A.No.4455/2003 filed by Sri Ch.V.Ramana Rao ATO (Retd.)

6. The Director of Treasuries and Accounts shall take necessary further action to release the pension benefits to Sri Ch.V.Ramana Rao ATO (Retd.) as per the orders of the Hon'ble APAT and report compliance to the Government as well as Hon'ble A.P. Administrative Tribunal.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**SHAMSHER SINGH RAWAT
SECRETARY TO GOVERNMENT (FP)**

To

Sri Ch.V.Ramana Rao ATO (Retd)-through the Director of Treasuries and Accounts, A.P., Hyderabad.

The Director of Treasuries and Accounts, A.P., Hyderabad.

Copy to the G.P. for Finance, A.P.A.T., Hyderabad for information.

// FORWARDED BY ORDER//

SECTION OFFICER